

SENATE BILL 2702

By Yager

AN ACT to amend Tennessee Code Annotated, Title 8,
Chapter 36, Part 8, relative to reemployment as a
teacher, substitute teacher, or bus driver after
retirement.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 8, Chapter 36, Part 8, is amended by
adding the following new, appropriately designated section:

(a) Notwithstanding another law to the contrary, a retired member of the
Tennessee consolidated retirement system or of a superseded system, or of a local
retirement fund established pursuant to chapter 35, part 3 of this title may be
reemployed in a position covered by the retirement system without the loss or
suspension of the retired member's Tennessee consolidated retirement system benefits;
provided, that the following conditions are met:

(1) The retired member is reemployed as a kindergarten through twelfth
(K-12) grade teacher as defined in § 8-34-101, as a kindergarten through twelfth
(K-12) grade substitute teacher, or as a kindergarten through twelfth (K-12) grade
school bus driver;

(2) The retired member is not reemployed until the expiration of at least
sixty (60) calendar days from the member's effective date of retirement;

(3) During the reemployment, the retirement benefit payable to the retired
member must be reduced to seventy percent (70%) of the retirement allowance
the member would have otherwise been entitled to receive;

(4) The retired member's reemployment cannot exceed one (1) year; however, the retired member may be reemployed for additional one-year periods; provided, that the conditions contained in this section are met for each period of reemployment;

(5) To fund the liability created by this section, the retired member's new employer shall pay to the Tennessee consolidated retirement system during each period of reemployment the greater of:

(A) A payment equal to the amount the employer would have contributed to the retirement system had the retired member been a member of the retirement system during the period of reemployment; or

(B) An amount equal to five percent (5%) of the retired member's pay rate;

(6) The retired member is not eligible to accrue additional retirement benefits as a result of the member's reemployment;

(7) Upon the reemployment of the retired member, the retired member's new employer shall:

(A) Notify the retirement system of the member's reemployment with documents or information required by the retirement system; and

(B) Certify in writing to the retirement system that the retired member has the requisite experience and training for the position to be filled and that no other qualified persons are available to fill the position; and

(8) The retiree is not drawing disability retirement benefits under chapter 36, part 5 of this title.

(b) This section is repealed on July 1, 2027.

SECTION 2. This act takes effect July 1, 2022, the public welfare requiring it.